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The City of Ardmore is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment.

Equal Employment Opportunity Policy Statement

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the City, where employment is based upon personal capabilities and qualifications without discrimination because of race, color, religion, gender, age, national origin, disability, or any other protected characteristic as established by law.

This policy of equal employment opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

The Human Resources Department has overall responsibility for this policy and maintains reporting and monitoring procedures. Employee questions or concerns should be referred to the Human Resources Department.

Appropriate disciplinary action may be taken against any employee willfully violating this policy.

Non-Discrimination and Anti-Harassment Policy Statements

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, gender, national origin, religion, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, or any other characteristic protected by law. The City prohibits, and will not tolerate, any such discrimination or harassment.

Definitions of Harassment:

- A. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:
 - 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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- B. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Gender-based harassment that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their gender.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, or any other characteristic protected by law or that of relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance;
- otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail and social media).

Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to the City (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Retaliation Is Prohibited

The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Complaint Procedure

Reporting an Incident of Harassment, Discrimination or Retaliation

The City strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaints with their immediate supervisor, the Human Resources Director or any member of the Human Resources Department before the conduct becomes severe or pervasive.

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Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other City designated representatives identified above.

IMPORTANT NOTICE TO ALL EMPLOYEES:

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

The Investigation

You may confront your harasser directly or use the following procedure. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent that it does not impair the investigation.

Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the City believes appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the City's Human Resources Director.

Individuals who have questions or concerns about these policies should talk with Human Resources Director or a member of the Human Resources Department.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the City prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites

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of employment. The prohibitions against harassment, discrimination and retaliation are intended to compliment and further these policies, not to form the basis of an exception to them.

Americans With Disabilities Act (ADA) Policy Statement

The City is committed to complying with all applicable provisions of the Americans With Disabilities Act (ADA). It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the City aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the City.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department. The City encourages individuals with disabilities to come forward and request reasonable accommodation.

Procedure for Requesting an Accommodation

On receipt of an accommodation request, a member of the Human Resources Department and your supervisor or Department Head will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations.

The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the City's overall financial resources and organization, and the accommodation's impact on the operation of the Company, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business.

The City will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

The ADA does not require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Department. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

Conflict of Interest and Outside Employment Policy Statements

In General

The City expects our employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the City. Business dealings that appear to create a conflict between the interests of the City and an

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employee are unacceptable. The City recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to our business. However, the employee must disclose any possible conflicts so that the City may assess and prevent potential conflicts of interest from arising. A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee or an immediate family member (i.e., spouse or significant other, children, parents, siblings) as a result of the City's business dealings.

Although it is not possible to specify every action that might create a conflict of interest, this policy sets forth the ones which most frequently present problems. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, he or she should immediately contact the Human Resources Department to obtain advice on the issue. The purpose of this policy is to protect employees from any conflict of interest that might arise.

A violation of this policy will result in immediate and appropriate discipline, up to and including immediate termination.

Outside Employment

Employees are required to obtain written approval from their supervisor before participating in outside work activities. Approval will be granted unless the activity conflicts with the City's interest. In general, outside work activities are not allowed when they:

- prevent the employee from fully performing work for which he or she is employed at the City, including overtime assignments; and/or
- involve organizations that are doing or seek to do business with the City, including actual or potential vendors or customers; and/or
- violate provisions of law or the City's policies or rules.

From time to time, City employees may be required to work beyond their normally scheduled hours. Employees must perform this work when requested. In cases of conflict with any outside activity, the employee's obligations to the City must be given priority. Employees are hired and continue in the City's employ with the understanding that the City is their primary employer and that other employment or commercial involvement which is in conflict with the business interests of the City is strictly prohibited.

Financial Interest in Other Business

An employee and his or her immediate family may not own or hold any significant interest in a supplier or customer of the City.

Acceptance of Gifts

Employees of the City of Ardmore are expected to provide the public with efficient and courteous service. Since such service is given impartially to all, the acceptance of gifts, money, or gratuities from any person or organization is prohibited, however, gifts may be accepted that are intended for employees in general within a department or within the city as a whole that are given for special occasions such as Christmas.

No employee may accept gifts of significant value (i.e., in excess of \$100.00), lavish entertainment or other benefits from potential and actual customers or suppliers. Special care must be taken to avoid even the impression of a conflict of interest.

An employee may entertain potential or actual vendors if such entertainment is consistent with accepted business practices, does not violate any law or generally accepted ethical standards and the public disclosure of facts will not embarrass the City. Any questions regarding this policy should be addressed to the Human Resources Department.

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Reporting Potential Conflicts

An employee must promptly disclose actual or potential conflicts of interest, in writing, to his or her supervisor or Department Head. Approval will not be given unless the relationship will not interfere with the employee's duties or will not damage the Company's relationship.

Confidential Nature of Work Policy Statement

City records and information relating to the City or its customers that are confidential must be treated accordingly. Not the City or the City-related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the City) may be removed from the City's premises without permission from the City. Additionally, the contents of the City's records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose or protected by the Freedom of Information Act and/or the Oklahoma Open Records Act. Employees must not disclose any confidential information, purposefully or inadvertently through casual conversation, to any unauthorized person inside or outside the City. Employees who are unsure about the confidential nature of specific information or regarding the release of information should ask the City Clerk for clarification. Employees will be subject to appropriate disciplinary action, up to and including termination, for knowingly or unknowingly revealing information of a confidential nature.

City of Ardmore's Open Records Request Procedure

Any person who makes a request to obtain information, legally available through state and federal laws (FOIA and Oklahoma Open Records Act) concerning open records, may do so by submitting the request, in writing, with the following information:

- Name of Person Making the Request
- Contact Information
- Date and Time of Request
- Specific data they wish to receive
- Per copy fee of 25¢ may be charged

The City will respond to all records requests in a timely manner. All requests will be submitted first to the City Manager. After the request is determined to be in compliance with all applicable laws, the City Manager will direct the appropriate designee to comply with the request.

The following are excerpts from the Oklahoma State Statutes and information on the Freedom of Information Act (FOIA).

§ 24A.5. Inspection, copying and/or mechanical reproduction of records—Exemptions

All records of public bodies and public officials shall be open to any person for inspection, copying, and/or mechanical reproduction during regular business hours; provided:

1. The Oklahoma Open Records Act, Section 24A.1 *et seq.* of this title, does not apply to records specifically required by law to be kept confidential including:
 - a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges; or

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- b. records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act, Section 301 *et seq.* of Title 25 of the Oklahoma Statutes.
2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions, provided however, the Oklahoma Department of Public Safety shall not be required to assemble for the requesting person specific information requested from the Oklahoma Department of Public Safety's Driver License file relating to persons whose names and dates of birth or whose driver license numbers are not furnished by the requesting person. The Oklahoma State Bureau of Investigations shall not be required to assemble for the requesting person any criminal history records relating to persons whose names and dates of birth are not furnished by the requesting person.
3. Any request for a record which contains individual records of persons and the cost of copying, reproducing or certifying such individual record which is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of document copying, or mechanical reproduction. Notwithstanding any state or local provision to the contrary, in no instance shall said document copying fee exceed twenty-five cents (\$0.25) per page for documents having the dimensions of eight and one half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00) per copied page for a certified copy. However, if the request:
 - a. is solely for commercial purpose, or
 - b. would clearly cause excessive disruption of the public body's essential functions,then the public body may charge a reasonable fee to recover the direct cost of document search; however, publication in a newspaper or by broadcast news media for news purposes shall not constitute a resale or use of data for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy. Any public body establishing fees under this act shall post a written schedule of said fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of said documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants. The fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.
4. Intentionally omitted.
5. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.
6. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one such person shall be available at all times to release records during the regular business hours of the public body.

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§ 24A.7. Personnel records—Confidentiality—Inspection and copying

- A. A public body may keep personnel records confidential:
1. Which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation; or
 2. Where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, employment applications submitted by persons not hired by the public body, and transcripts from institutions of higher education maintained in the personnel files of certified public school employees; provided, however, that nothing in this subsection shall be construed to exempt from disclosure the degree obtained and the curriculum on the transcripts of certified public school employees.
- B. All personnel records not specifically falling within the exceptions provided in subsection A of this section shall be available for public inspection and copying including, but not limited to, records of:
1. An employment application of a person who becomes a public official;
 2. The gross receipts of public funds;
 3. The dates of employment, title or position; and
 4. Any final disciplinary action resulting in loss of pay, suspension, demotion of position, or termination.
- C. Except as may otherwise be made confidential by statute; an employee of a public body shall have a right of access to his own personnel file.
- D. Public bodies shall keep confidential the home address of any person employed or formerly employed by the public body.

Freedom of Information Act (FOIA)

FOIA, found in Title 5 of the United States Code, section 552, was enacted in 1966 and provides that, upon request from any person, a Federal agency must release any agency record unless that record falls within one of the nine statutory exemptions and three exclusions.

FOIA affords requesters all of the rights accorded to them by law, including the right of access to any non-privileged agency record, and to protect from inappropriate disclosure any agency record that may and should be withheld under the statute.

Under FOIA, employees have access to their own personnel records on a reasonable basis. Copies may be made and a fee may be charged. The records may not be removed from the Human Resources Department under any circumstances.

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

Employer Notification Requirements and Forms

The Family and Medical Leave Act of 1993 (FMLA) is administered by the U.S. Department of Labor Employment Standards Administration. A summary follows:

Leave Entitlement

The Family and Medical Leave Act of 1993 (FMLA) applies to private employers with 50 or more employees at a worksite (within 75 miles). Public agencies are covered by the FMLA regardless of the number of employees.

The law requires covered employers to grant eligible employees up to 12 workweeks of unpaid FMLA leave during a predefined 12-month period. Eligible employees are those who have been employed by the employer for at least 12 months (need not to be consecutive) and for at least 1,250 hours of service. FMLA leave may be taken for any of the following reasons:

- Employee's serious health condition (work or non-work-related)
- Serious health condition of employee's spouse, parent (not parent "in-law") or child (under 18 years or disabled)
- Birth of an employee's child
- Placement of a child with an employee for adoption or foster care
- To care for next of kin of service members with a serious injury or illness
- For covered exigencies arising out of a family member called to or on active duty.

Leave for care of a newborn, adopted, or foster child is available to eligible employees who are either the mother or father of the child; such leave must conclude within 12 months of the birth or placement. FMLA eligible spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of leave for care of a newborn, adopted, or foster child.

"Workweek" means your regularly scheduled work hours in an ordinary payroll workweek. "12 months" is the 12-month period measured backward from the date any FMLA is used.

"Child" means biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

"Spouse" means a husband or wife as recognized under state law for the purpose of marriage, including common law marriage in states where recognized.

"Parent" means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child; the term does not include parents "in-law."

"Needed care" means both physical and psychological care, the necessity for which is certified by a health care provider.

"Serious Health Condition" means illness, injury, impairment or physical or mental condition that involves either any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity of subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:

1. A health condition (including treatment for, or recovery from) lasting more than three consecutive calendar days, and subsequent treatment or period of incapacity relating to the same condition, that

- also includes: a) treatment two or more times by or under the supervision of a health care provider, or b) one treatment by a health care provider with a continuing regiment of treatment.
2. Any period of incapacity due to pregnancy or prenatal care (including regularly scheduled appointment with a health care provider); a visit to a health care provider is not necessary for each absence.
 3. Any period of incapacity due to a chronic serious health condition that continues over an extended period of time, required periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma, diabetes); a visit to a health care provider is not necessary for each absence.
 4. A permanent long-term condition for which treatment may not be effective (e.g., Alzheimer's, severe stroke, terminal disease); only supervision by a health care provider is required, rather than active treatment.
 5. Any absence to receive multiple treatment for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy, radiation, or dialysis).

"Health Care Provider" means doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice under state law; nurse practitioners, nurse-midwives and clinical social workers authorized to practice and performing within the scope of their practice as defined under state law; Christian Science practitioners listed with the First Church of Christ Scientist in Boston, MAA; or any health care provider recognized by the employer or the employer's group health plan.

Intermittent Leave: If medically necessary to provide needed care for a spouse, child, or parent with a serious health condition, or if an employee is unable to work because of his or her own serious health condition, FMLA leave may be taken intermittently in blocks of time (including single or partial days) or by reducing the employee's normal weekly or daily work schedule. An employer may require an employee to transfer temporarily to an available alternative position for which he/she is qualified and that better accommodates recurring, intermittent periods of leave than does his/her regular position. Intermittent or reduced schedule leave for care of a newborn, adopted, or foster child may be taken only if the employer agrees.

Paid or Unpaid Leave: Subject to certain conditions, the employer ordinarily requires, or the employee may elect the use of applicable earned or accrued paid leave (such as vacation or paid sick leave) to cover some or all of FMLA leave. The employer must inform the employee if paid leave counts as FMLA leave.

Maintenance of Health Benefits:

A covered employer is required to maintain an employee's group health insurance coverage while on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, the employee must pay his or her share of health insurance premiums while on leave. The employee is liable for any such premiums he/she does not pay during an FMLA leave (and, in certain cases if the employee does not return from FMLA leave, any "employer share" of premiums paid by the employer) whether or not you return to work; premiums must be paid by the employee by lump sum or payments (including future payroll deductions) as agreed by the employer.

Job Restoration: Provided all conditions are met, return is timely, and the employee is able to perform the functions of his/her position upon return from FMLA leave (a fitness-for-duty certification may be required), the employee must be restored to the same or equivalent position held when the leave began (assuming the position has not been eliminated or changed). Use of FMLA leave cannot result in the loss of any employment benefit that you earned or were entitled to before using FMLA leave.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operation, an employer may refuse to reinstate certain highly-paid "key" employees (a salaried "eligible" employee who is among the highest paid 10% of all employees within 75

miles of the worksite) after using FMLA during which health coverage was maintained. To do so, the employer must notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave; notify the employee as soon as the employer decides it will deny job restoration, and explain the reasons for this decision; offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

Notice: If FMLA is foreseeable, an employee must give at least 30 days before FMLA leave is to begin. If not foreseeable, notice must be as soon as practicable - ordinarily with one to two business days of when the need for leave becomes known. If 30-day advance notice of foreseeable leave is not made, the leave may be delayed until after 30 days following proper notice. The employee must attempt to schedule intermittent or reduced schedule leave for medical treatment so as not to unduly disrupt the employer's operations.

Certification of Need: An employee may be required to provide: 1) medical certification supporting the need for leave due to a serious health condition for an employee, spouse, child, or parent; 2) second or third medical opinions (at the employer's expense) and periodic recertification; and 3) periodic reports during FMLA leave regarding the employee's status and intent to return to work.

Other Provisions: Salaried executive, administrative, and professional employees who meet the Fair Labor Standards Act (FLSA) criteria from exemption from minimum wage and overtime do not lose their exempt status by using unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to "eligible" employees' use of leave required by FMLA.